

COURT U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

OCT - 5 2006

CLERK, U.S. DISTRICT COURT

By _____ Deputy *SM*

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AGREED FINAL JUDGMENT

Plaintiffs brought this suit as a collective action on August 25, 2005, alleging violations of the overtime requirements of the Fair Labor Standards Act as to present and former dispatchers employed by Pacific. The Parties stipulate and agree that notices were mailed to the last known addresses of all individuals who were employed with Pacific as dispatchers any time from August 25, 2002 to December 15, 2005, notifying them of the pendency of this Action and the opportunity to opt-in as plaintiffs (hereinafter referred to as “the Mailed Notice”).

The Parties further stipulate and agree that, in response to the Mailed Notice, a total of eight (8) individuals submitted signed Consent Forms opting-in as Plaintiffs (the "opt-in Plaintiffs") in this Action for a total of nine (9) Plaintiffs including David Ward (the "Named Plaintiff"). The Parties further stipulate and agree that the eight (8) opt-in Plaintiffs filed Consent Forms with the Court designating Ward as his or her agent to make decisions on their behalf concerning the litigation, including, but not limited to entering into settlement agreements, and that the individuals signing them, along with the named Plaintiff now compromise and are hereby certified as a Settlement Class for the purpose of this Agreed Final Judgment. A true and correct list of the Settlement Class Members is attached to this Agreed Final Judgment and incorporated herein for all purposes.

All claims of the Settlement Class Members are subject to this Agreed Final Judgment.

The Parties have filed an Agreed Motion for Approval of Collective Action Settlement. After reviewing the Motion, the Court is of the opinion that the Settlement reached between the Parties is a fair and reasonable resolution of the disputed issues among the Parties. The Court therefore APPROVES the settlement and enters the following Judgment:

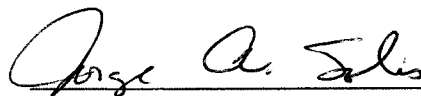
IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the claims of the Settlement Class Members which were raised or could have been raised in the above-referenced Action are hereby DISMISSED WITH PREJUDICE to their rights, individually and/or collectively, to refile the same or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that all costs and attorney's fees shall be allocated only as provided in the Parties' Settlement Agreement.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Agreed Final Judgment shall have *res judicata* and collateral estoppel effect as to all claims of the Settlement Class Members, with respect to all issues of law and fact that were raised or that could have been raised in the Action.

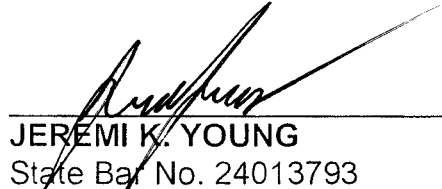
IT IS SO ORDERED.

SIGNED this 5th day of October, 2006.

A handwritten signature in cursive script, reading "Jorge A. Solis", is written over a horizontal line.

HON. JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE

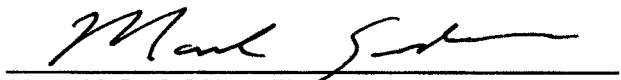
AGREED:



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CASE CLOSED

CASE NUMBER: 3:05-cv-1711-P

DATE: 10 / 5 / 06

TRIAL: YES NO X